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Attorneys for Plaintiff
OPTISTREAMS, INC.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

OPTISTREAMS, INC.) Case No. 05-CV-00117 REC (SMS)
)
Plaintiff,) STIPULATION AND ORDER
) CONTINUING HEARING DATES OF
vs.) MOTIONS OF OPTISTREAMS, INC.
) FOR VOLUNTARY DISMISSAL, TO
SEAN GAHAN,) DISMISS FOURTH CLAIM IN THE
) SECOND AMENDED
Defendant.) COUNTERCLAIM, AND TO QUASH
_____) SUBPOENAS
)
AND RELATED COUNTERCLAIM)
_____)

Plaintiff/Counter-Defendant OptiStreams, Inc. and Defendant/Counter-Claimant

Sean Gahan, by and through their undersigned attorneys, hereby STIPULATE and AGREE that the Court may enter the attached Order, continuing from February 13, 2006 to March 13, 2006, at 1:30 p.m., the hearings of Plaintiff/ Cross-Defendant's motion for voluntary dismissal, motion to dismiss the fourth claim in the Second Amended Counterclaim, and

motions to quash subpoenas. This request is made because these motions were continued to February 6, 2006 at 1:30 p.m. by Orders of the Court on January 19, 2006 and January 20, 2006, and were continued to February 13, 2006 by Order of the Court on January 27, 2006, and counsel for Plaintiff/ Cross-Defendant is unavailable on February 13, 2006, and counsel for Defendant/ Counter-Claimant is unavailable on February 27, 2006 and March 5, 2006.

This is the first such request.

Dated: February 2, 2006

TRIAL & TECHNOLOGY LAW GROUP
A Professional Corporation
Attorneys for Plaintiff and Counter-Defendant
OPTISTREAMS, INC.

By: s/ Kislik, Andrew
Andrew R. Kislik

Dated: January 31, 2006

SAGASER JONES & HAHEY
Attorneys for Defendant and Counter-Claimant
SEAN GAHAN

By: s/ Sagaser, Howard
Howard A. Sagaser

ORDER

Upon the Stipulation of the parties, and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

The hearing on Plaintiff/Counter-Defendant's motions for voluntary dismissal, to dismiss the fourth claim in the Second Amended Counterclaim, and to quash subpoenas are continued from February 13, 2006, at 1:30 p.m., to March 13, 2006, at 1:30 p.m.

Dated: _____ 2/1/2006 _____ /s/ ROBERT E. COYLE _____
ROBERT E. COYLE
U.S. DISTRICT COURT JUDGE